

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>BILLY ELMORE,</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p style="text-align: center;">Defendants.</p>	<p>Court File No. 21-cv-01061 (NEB/ECW)</p>
<p>BRIAN SUPENIA,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p style="text-align: center;">Defendants.</p>	<p>Court File No. 21-cv-01062 (PJS/ECW)</p>
<p>DAVID GAMWELL,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p style="text-align: center;">Defendants.</p>	<p>Court File No. 21-cv-01063 (SRN/KMM)</p>

<p>MARY TROWER,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01064 (WMW/BRT)</p>
<p>MATTHEW McDONALD,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01065 (MJD/TNL)</p>
<p>PAUL KIRK,</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01066 (PJS/DTS)</p>

<p>ROBERT RICHMOND,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01067 (NEB/TNL)</p>
<p>WILLIAM McDONALD,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01068 (ECT/DTS)</p>
<p>MARVIN CATES,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01106 (JRT/KMM)</p>

<p>JOAN PILGREEN,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01107 (DWF/HB)</p>
<p>MICKEY SELF,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01108 (DSD/KMM)</p>
<p>HAROLD WEST,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP,</p> <p>Defendants.</p>	<p>Court File No. 21-cv-01109 (DSD/ECW)</p>

DON FIRMIN, Plaintiffs, v. SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP, Defendants.	Court File No. 21-cv-01110 (JRT/BRT)
AUDIE GADDIS, Plaintiffs, v. SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP, Defendants.	Court File No. 21-cv-01111 (NEB/DTS)
BONNIE SMITH, Plaintiffs, v. SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP, Defendants.	Court File No. 21-cv-01112 (JRT/HB)

JOE WILSON, <p style="text-align: center;">Plaintiffs,</p> v. SYNGENTA CROP PROTECTION, LLC., SYNGENTA AG, SYNGENTA SEEDS, LLC, CHEVRON U.S.A., INC., and CHEVRON PHILLIPS CHEMICAL COMPANY LP, Defendants.	Court File No. 21-cv-01113 (SRN/HB)
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**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR
CONSOLIDATION OF ACTIONS**

Plaintiffs in the above-captioned matters jointly move the Court for assignment of these cases to a single judge prior to the JPML hearing in this matter. Plaintiffs and both Defendants have suggested that the District of Minnesota would be a suitable venue for the MDL to transfer this complex litigation.¹ Reassignment of these cases to a single judge will allow the parties to present a clearer picture to the JPML because – as this Court knows – the judicial assignment matters to the JPML. The Panel does not generally transfer cases to judges that don't want MDL cases or to judges with no MDL experience; and it also appears that the JPML increasingly considers diversity in its decision-making process. Thus, reassigning the cases to one judge now will help eliminate any uncertainty in the argument for Minnesota before the JPML on May 27, 2021.

¹ Defendants ask for the Eastern District of Missouri; with the District of Minnesota, and the Northern District of Texas, as alternative acceptable venues.

To be clear, Plaintiffs are not filing this motion to seek the assignment of any particular judge; we would support assignment to any of the District's judges. We ask only for the appointment of a single judge that is willing to preside over this potential MDL before May 27, 2021.

BACKGROUND

The first Paraquat case was filed in this district on April 27, 2021 and assigned to Judge Doty. Numerous additional cases were subsequently filed and were assigned, in various order, to Judges Brasel, Davis, Doty, Frank, Nelson, Tunheim, Schiltz, Tostrud, and Wright. Each of these cases was then tagged into the pending potential matter in front of the JPML set for a hearing on May 27, 2021.

On April 29, 2021, Plaintiffs' counsel filed papers with the JPML in these matters supporting the creation of an MDL and asking that the cases be transferred to the District of Minnesota. Similarly, both Defendants (who also filed Responses to the Motion to Transfer in the JPML on April 29, 2021) did not oppose centralization and agreed that the United States District Court for the District of Minnesota would be a "suitable forum" for transfer.

The Complaints in these matters all identify the same underlying facts relating to the development, testing, marketing, and disbursement of the herbicides with the same active ingredient, Paraquat. Plaintiffs all allege contact with Paraquat resulted in serious physical harm.

ARGUMENT

Plaintiffs are not seeking the assignment a particular judge. All we seek is the

assignment of a single judge who would be willing to take on this large, complex litigation that likely will span the next 3-5 years or perhaps longer; whether that occur through an MDL or, should the JPML not consolidate, as coordinated actions in this District. And we respectfully ask that the reassignment be made before May 27, 2021 so we can inform the JPML which judicial officer will preside over the cases if they are consolidated in Minnesota.

Dated: May 7, 2021

Respectfully submitted,

s/Daniel E. Gustafson
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